

100-443887-100

V.

Plaintiff,

DEWALCH TECHNOLOGIES, INC.

Defendant.

Civil Action No.
04 40219 FDS

I, William E. Hilton, Esq. hereby depose and state as follows:

1. I am a partner at the law firm of Gauthier & Connors, LLP, counsel for plaintiff in this action.
2. Attached hereto as Exhibit A is a true and accurate copy of U.S. Patent No. 6,763,691.
3. Attached hereto as Exhibit B is a true and accurate copy of the assignment in connection with U.S. Patent No. 6,673,691 as recorded at the United States Patent and Trademark Office.

4. Attached hereto as Exhibit C is a true and accurate copy of the file history of U.S. Patent No. 6,763,691.

5. Attached hereto as Exhibit D is a true and accurate copy of U.S. Patent No. 4,080,811, which was cited during the prosecution history of U.S. Patent No. 6,763,691.

6. Attached hereto as Exhibit E is a true and accurate copy of U.S. Patent No. 4,414,829, which was cited during the prosecution history of U.S. Patent No. 6,763,691.

7. Attached hereto as Exhibit F is a true and accurate copy of U.S. Patent No. 3,938,839, which was cited during the prosecution history of U.S. Patent No. 6,763,691.

8. Attached hereto as Exhibit G is a true and accurate copy of U.S. Patent No. 4,120,182, which was cited during the prosecution history of U.S. Patent No. 6,763,691.

9. Attached hereto as Exhibit H is a true and accurate copy of Sections 809.02 to 809.04 of the United States Patent and Trademark Office Manual of Patent Examining Procedure.

10. Attached hereto as Exhibit I is a true and accurate copy of U.S. Patent No. 4,202,574, which was cited during the prosecution history of U.S. Patent No. 6,763,691.

11. Attached hereto as Exhibit J is a true and accurate copy of the definition of the word *between* from Webster's New World Dictionary, Second College Edition.

* * * * *

Signed under penalties of perjury.

Date: February 4, 2005



William E. Hilton

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above document was served upon counsel for defendant, Denise W. DeFranco of Foley Hoag LLP, Seaport World Trade Center West, 155 Seaport Boulevard, Boston, Massachusetts 02210-2600 and John Edmonds of Vinson & Elkins, 2300 First City Tower, 1001 Fannin Street, Houston, Texas 77002-6760 on this 4th day of February 2005.



William E. Hilton